

In the matter of the search of a USPS
United States Priority Mail Parcel identified by
Tracking No. 9505 5067 1311 9193 1650 94
addressed to:
A Schwartz
1702 Robalee Street
Kingsport, TN 37665

FILED

JUL 19 2019

Case No. 2:19-mj- 210

Clerk, U. S. District Court
Eastern District of Tennessee
At Greeneville

AFFIDAVIT

I, Robert Wagner, being duly sworn, depose and say as follows:

Background and Investigative Information

1. I am a U.S. Postal Inspector assigned to investigate crimes related to the mail, including the use of the U.S. Mail to unlawfully transport contraband materials, and I am currently assigned to the Knoxville Domicile of the U.S. Postal Inspection Service's Charlotte Division. I am submitting this affidavit in support of an application for a search warrant seeking authority to search for evidence related to the sale, possession, distribution, and/or use of controlled substances in violation of Title 21 United States Code, Sections 841(a)(1) (related to the unlawful manufacture, distribution, and possession with intent to distribute controlled substances), 843(b) (related to the unlawful use of communication facilities for certain controlled substance offenses), and 846 (related to conspiracy to commit certain controlled substance offenses) as well as the use or attempted use of the United States Mail to distribute controlled substances.

2. I am an "Investigative or Law Enforcement Officer" within the meaning of Title 18, United States Code, Section 3061; that is, I am an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 3061.

3. I have participated both as a case agent and co-case agent with respect to

controlled deliveries of contraband and the execution of search warrants with respect to drugs and scheduled controlled substances as well as investigations into drug-trafficking cases in Tennessee, Washington State, and the Territory of Guam. I have received formal, informal and on the job training from U.S. Postal Inspectors, Assistant United States Attorneys, the Drug Enforcement Administration, and other law enforcement agents who have done extensive work regarding the investigation of sales, distribution, and manufacture of controlled substances, as well as investigations pertaining to the proceeds from the unlawful sales of controlled substances.

4. I also have conducted investigations of the mailing of controlled substances into the states of Tennessee, Washington and the Territory of Guam.

5. I know from my training, knowledge, and experience that the importers and distributors of controlled substances often utilize the U.S. Postal Service to facilitate the distribution of controlled substances. Such mail will come from foreign or domestic places of origin and typically will be sent by either Express Mail or Priority Mail with a USPS tracking number, or First-Class Mail.

6. I know from my personal experience and participation in investigations of controlled substances sent via the mail, that witnesses, cooperating individuals, and informants have discussed and explained to law enforcement why the U.S. Mail system is used to facilitate the delivery of controlled substances. I have also read official reports from other law enforcement officers detailing similar events.

7. I have participated in large package interdiction operations as a Postal Inspector in Washington State, Tennessee, and Guam.

8. The information contained within this affidavit is based upon my personal

observations, training, and on information related to me by other law enforcement officers and investigators as set forth more fully herein. Because the purpose of this affidavit is to set forth probable cause, I have not set forth each and every fact known to me in connection with this investigation.

9. Based on my training, experience, and consultations with other law enforcement officers experienced in drug investigations, I know that certain indicators exist when persons are using the U.S. Mail system to send prohibited controlled substances from one location to another. Indicators for packages that contain controlled substances and/or the proceeds from controlled substances include, but are not limited to, the following:

a. It is common for senders of controlled substances, and/or the proceeds from the sales of these controlled substances, to use Express and Priority Mail because the substances or proceeds arrive faster and on a predictable date, thereby allowing the senders to keep track of the shipment or proceeds of controlled substances.

b. When the senders mail controlled substances from a particular area/state, the proceeds from the sale of these controlled substances may be returned to the shipper. There are known source states for controlled substances mailed to Tennessee (e.g., California, Colorado, Texas, Florida, and Washington), where controlled substances are typically mailed from other major metropolitan areas. Foreign countries have also shown to be sources on rare occasions for different substances.

c. A sender may sometimes mail the package containing controlled substances from an area different from the return address on the package due to one or more of the following reasons: 1) the return address is fictitious, incomplete, or associated to a vacant lot or house; and 2) the shipper is attempting to conceal the actual location that the

package was being mailed from in order to avoid detection. Additionally, there are frequently misspellings and mistakes on the label indicative of someone filling out the address label who is not a resident of the return address (i.e., a “runner” or fictitious address).

d. These packages in many instances contain a fictitious return address; no return address; an actual address associated with a vacant lot or house; or the return address that is the same as the addressee address. These packages are also sometimes addressed to or from a Commercial Mail Receiving Agency (e.g., a UPS store or Mailboxes Etc. store). A sender may also use a legitimate business for the return address. This is done in order to conceal from law enforcement the true identity of the person(s) shipping and/or receiving the controlled substances.

e. Express Mail packages containing drugs usually contain a “Signature Waiver,” which allows the package to be left at a location without requiring anyone to sign for the package. Person-to-person Express Mail packages rarely contain a signature waiver because this level of service is usually reserved for very important items that the sender would want to ensure someone was present for at the time of delivery.

f. I know from my training, experience, and discussions with other law enforcement officers that the following controlled substances are often found during package interdiction operations: marihuana, methamphetamines, cocaine, LSD, psilocybin mushrooms, heroin, opium, MDMA, and the proceeds from the sales of these controlled substances.

g. I know from training, experience, and discussions with other law enforcement officers that these packages sometimes contain information and paperwork related to the

sales and distribution of controlled substances. This paperwork can include, but is not limited to, information on the uses and effects of the various controlled substances; the prices for the controlled substances; the quality of the controlled substances; information on the actual senders; and information and instructions for ordering future controlled substances. These packages also sometimes contain smaller packages that are pre-addressed for mailing to secondary addresses after they have met their initial destination.

Probable Cause

10. This affidavit is submitted in support of a request for a search warrant to search a U.S.

Priority Mail Parcel bearing label #9505 5067 1311 9193 1650 94 and addressed as follows:

**FROM:
Son 710 Inc
3105 Roosevelt St
Placerville CA 95667**

**TO:
A Schwartz
1702 Robalee Street
Kingsport, TN 37665**

The item to be searched is more fully described on Attachment A and is incorporated herein. Based on the following facts and my knowledge and training, I believe the 1702 Robalee Street parcel will contain some or all of the items listed on Attachment B, which are incorporated herein.

11. On July 15, 2019, I was contacted by Sacramento, California Postal Inspector Bauwens who advised the following regarding the Robalee Street parcel. US Postal Inspector Bauwens advised that Antonio Eduardo Ruiz of Placerville, California, was the subject of an ongoing narcotics trafficking investigation in Northern California. RUIZ was being investigated for the sales of marijuana and methamphetamine. During the investigation, US Postal Inspector Bauwens observed RUIZ on multiple US Post Office surveillance videos mailing numerous parcels containing fictitious return names and addresses to multiple different states, including the State of Tennessee. During the investigation, U.S. Postal Inspector Bauwens observed that RUIZ mailed multiple parcels to different addresses in Kingsport, TN, including to 1702 Robalee

Street in Kingsport, TN. On July 14, 2019, US Postal Inspector Bauwens identified the Robalee Street parcel via a check of USPS records and databases. US Postal Inspector Bauwens observed the Robalee Street parcel was mailed from the Self Service Kiosk (SSK) located at the El Dorado Hills, California Post Office on July 12, 2019 at approximately 7:55 PM PST. As a result of the mailing, US Postal Inspector Bauwens later obtained surveillance images taken at the SSK during the time of the mailing and confirmed the person on the surveillance images mailing the parcel was RUIZ. On July 13, 2019, RUIZ was arrested in Northern California by members of the Western El Dorado County Narcotics Enforcement Team. Pursuant to the search and arrest of RUIZ, over five pounds of marijuana was seized, along with a large number of USPS packaging supplies indicative of distribution of narcotics via the US Mail.

12. On July 16, 2019, I intercepted the Robalee Street parcel from the Kingsport post office. A search of the law enforcement database CLEAR found the last name Schwartz associated with 1702 Robalee Street. However, a search of the sender address in that database revealed that Son 710 Inc. appeared fictitious. A further search of postal records showed this was the third similarly sized parcel mailed from the Sacramento area to 1702 Robalee Street in the last three weeks.

13. On July 17, 2019, at the Johnson City Main Post Office, I arranged to have the 1702 Robalee Street parcel placed in a lineup of other similarly sized and colored boxes to permit an external examination of the parcel by a drug detection canine controlled by the Johnson City Police Department Drug Detection Dog Unit (DDDU). K9 handler Jeff LeGault advised me that his assigned DDDU K9, "Pico," examined the parcel. K9 Pico positively alerted to the presence of narcotics. I have reviewed a certificate issued by the North American Police Work Dog Association ("NAPWDA"), Certificate 48712. That certificate shows that KP handler

LeGault and Pico received accreditation on October 10, 2018, for, among other things, "NARCOTICS DETECTION TEAM (MARIJUANA, COCAINE, HEROIN, METHAMPHETAMINE)." I have also reviewed a testing sheet showing that on October 10, 2018, K9 handler LeGault and Pico passed the narcotics detection portion of their testing to obtain their certification from NAPWDA. I know from my training and experience that properly trained canine officers accurately and reliably alert for the presence of narcotics in this type of controlled environment.

14. After K-9 Pico alerted on the 1702 Robalee Street parcel, I took the parcel into protective custody and have maintained it in an unopened state in the evidence locker of the United States Postal Inspection Service, where it has been maintained.

15. Based upon the information contained in this affidavit, I believe there is probable cause to believe the 1702 Robalee Street parcel described in Attachment A contains evidence of a crime, contraband, fruits of crime, or other items illegally possessed, or property designed for use, intended for use, or used in committing a crime, including violations of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846 and the use or attempted use of the United States Mail to distribute controlled substances and permission is sought to search for the same.

FURTHER AFFIANT SAYETH NAUGHT.



Applicant's signature

Robert Wagner, United States Postal Inspector

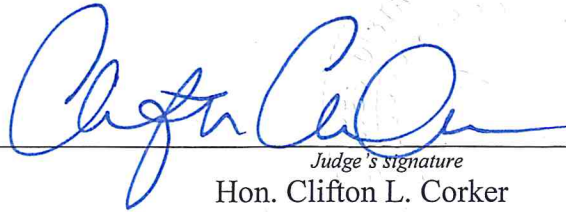
Printed name and title

Sworn to before me and signed in my presence.

Date:

July 19, 2019 at 1:03pm

City and State: Greeneville, Tennessee



Judge's signature

Hon. Clifton L. Corker
U.S. MAGISTRATE JUDGE

ATTACHMENT "A"

One (1) U.S. Priority Mail Parcel, containing tracking number 9505 5067 1311 9193 1650 94, measuring approximately 12" x 12" x 6" and weighing approximately 3.7 Pounds. The package is from: Son 710 Inc., 3105 Roosevelt St, Placerville, CA 95667. To: A Schwartz, 1702 Robalee Street, Kingsport, TN 37665. The property to be searched is more fully described in Attachment A and is presently in the protective custody of the United States Postal Inspection Service Office located at 530 East Main Street in Johnson City, TN 37601.

ATTACHMENT "B"

1. Controlled substances constituting evidence of the violations of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846.
2. Items of personal property which tend to identify the person(s) in possession, control, or ownership of the package that is the subject of the search warrant.
3. Proceeds from the sale of controlled substances held in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846.
4. Information and paperwork related to the sales and distribution of controlled substances contrary to 21 U.S.C. § 841(a)(1), including information on the uses and effects of controlled substances; the prices for the controlled substances; the quality of the controlled substances; information on the actual senders; and information and instructions for ordering future controlled substances; and smaller packages addressed to secondary addresses.